

Steens Mountain Advisory Council

Meeting Minutes

December 17 and 18, 2001

Members Present:

Wanda Johnson, Burns Paiute Tribe, Burns, Oregon
Jerry Sutherland, Environmental Representative – Statewide, Portland
Alice Elshoff, Environmental Representative – Local, Frenchglen
Hoyt Wilson, Grazing Permittee, Princeton, Oregon
Thomas Wendel, Dispersed Recreation, Burns, Oregon
E Ron Harding, Wild Horse Management, Burns, Oregon
Jason Miner, Fish and Recreational Fishing, Portland, Oregon
Cynthia Witzel, Recreational Permit Holder, Frenchglen, Oregon
Tom Harris, Mechanized or Consumptive Recreation, Keno, Oregon
Stacy Davies, Grazing Permittee, Frenchglen, Oregon
Harland Yriarte, Private Landowner, Eugene, Oregon
Steve Purchase, State Liaison, Salem, Oregon

Members Absent:

Roger Alfred, No Financial Interest, Portland, Oregon

Designated Federal Official (DFO):

Miles Brown, Andrews Resource Area Field Manager, Bureau of Land Management (BLM), Hines

Designated Federal Official Assistants:

Rhonda Karges, Management Support Specialist, BLM, Hines, Oregon
Liz Appelman, Budget Analyst, BLM, Hines, Oregon
Patti Wilson, Management Support Specialist, BLM, Hines, Oregon

Presenters:

Mary Emerick, Wilderness Specialist, BLM, Hines, Oregon
Evelyn Treiman, Outdoor Recreation Planner, BLM, Hines, Oregon
Skip Renschler, Realty Specialist, BLM, Hines, Oregon
Gary Foulkes, Environmental Planner, BLM, Hines, Oregon
Tom Glass, Owner Western Land Group

Commenting Public:

Fred Otley, Permittee
Jack Rinn, Owner Investment Commercial Real Estate
Jack Bauer, President Snowmobile Club
Howard Geiger, State Snowmobile Association Representative

Facilitator:

Dale White

Others Present (Sign-in Sheet)

Susan Hammond, Hammond Ranches, Inc.	
Peter Green, Governor's Office	
Brent Fenty, Oregon National Desert Association	
Jennifer Thies, Environmental and Resource Management	
Tim Clemens, Harney County Snowmobile Club	
Mike Choate, Harney County Snowmobiler	
B. Marie Jarreau-Danner, Burns Times Herald	
Sandy Berain, BLM	Lance Okeson, BLM
Josh Warburton	Mike Williams, BLM
Michael Weston, BLM	Manny Berain, BLM
Jill Benefield, BLM	Cindy Weston, BLM
Kelly Hazen, BLM	David Draheim, BLM
Chad Boyd, EOARC	Earl Kessler, Keno, OR
Christin Barber, Bend, OR	Dale Robertson
Mark Sherbourne, BLM	Tom Dyer, BLM
Jim Buchanan, BLM	Fred McDonald, BLM
Connie Deller, BLM	Rick Hall, BLM
Doug Linn, BLM	Joan Suther, BLm
Mark Armstrong, BLM	

Welcome, Introductions, Housekeeping, Agenda Review:

Dale White called the meeting to order with the Council members introducing themselves.

Rhonda requested everyone sign in at the front desk when they first enter the building then again in the meeting room. She explained the two sign-in areas serve different purposes - the one in the conference room is for the SMAC official record, whereas the sign-in at the front desk is for security reasons.

The Council members discussed whether or not to record the meeting then have the tape made into a transcript or to simply have minutes taken. Roberts Rules of Order do not provide for a transcript, nor was it felt a full transcript was useful. If the minutes provided do not meet the group's needs, they can revisit the discussion.

Consensus Decision: Dispense with recording and transcribing and use minutes instead.

Stacy asked if the discussion of the Roaring Springs land exchange was going to be on the agenda.

Distribution of Material/Handouts: After some discussion the group agreed both options (e-mail and hard copy) should be done. There was some concern with the large size of

some of the files overwhelming the smaller systems. Another issue was how to determine at what time items are available for dissemination to constituents.

Consensus Decision: All proceedings and related documents are to be published on the Steens Mountain website with secure access for SMAC members and other authorized personnel. Dissemination of hard copies will also continue even if the web was not possible.

Consensus Decision: All of those documents marked draft may be given to constituents of Council members by those members, clearly indicating comments, information or correspondence would come back through the same SMAC member. Any information would also be made available on floppy or c.d.

Action Followup Item: Miles will check into possible legal ramifications of placing information on the website. (BLM is pursuing, but e-mail access may not be available until June. The website has full DFO support.)

Role of Chair/Election of Chair

Council members discussed the role of the chair to include:

- Keeps meeting on track
- Ensures the public has an opportunity to speak
- Assists in keeping all SMAC members involved (opportunity to speak)
- Sets the agenda with the agency
- Needs to be careful when dealing with the press and public. The chair can share decisions with the press and public; however, if questions arise concerning something that has not yet been decided, the Chair is to refer the question to the representative in that area.
- Maintains close contact with the facilitator
- Willing to put in the extra time needed
- Certifies minutes after edits have been made by SMAC members
- Acts as liaison between agency and SMAC
- Needs to bury biases and represent the group
- Must communicate with the group, keeping everyone in the loop
- Ultimate decisionmaker on meeting procedures
- Participates in discussions and vote
- Maintains a specific seat at each meeting

Minutes will be promptly and concisely written, then sent out to everyone. The Council as a whole will review and make any additions or corrections at the following meeting. Once the minutes are approved by the Council at that meeting, the chair will sign and date them certifying their accuracy and making them final.

The group discussed regular council activities will be conducted under Robert's Rules of Order. The only time a quorum of nine is necessary is when making a formal

recommendation to the DFO. For the flow of the meeting, when a motion comes to vote, the facilitator asks, "Does anyone object?" If no one objects, it is consensus. If there is an objection, then a roll call vote takes place. For everything other than formal recommendations to the DFO it will be a simple majority with the overriding principle the group is striving to reach consensus.

Action Followup Item: Council members requested the role of the Chair be concisely written and a separate sheet included in the next minutes so each member has it.

Nomination of Tom Harris for chair was moved and seconded. No other nominations were made.

Consensus Decision: Tom Harris elected chair.

It was moved and seconded to create an office titled vice chair to be elected and to share the responsibility between council meetings.

Discussion: The vice chair would help with the development of the agenda and serve if the chair was absent. A vice chair would help with the communication link to Council members, under the direction of the chair, with the chair being the final decisionmaker as to what duties are given to the vice chair.

Consensus Decision: The office of vice chair would be created.

Nomination of Jerry Sutherland was moved and seconded. No other nominations were received.

Discussion: It was agreed the DFO would communicate to the SMAC through its chairman to avoid duplication of effort and possible misunderstandings.

Consensus Decision: Jerry Sutherland elected to the vice chair position.

Action Followup Item: The DFO, chair, and vice-chair are to work on next meeting agenda.

Revisit October Meeting

Review of the meeting feedback was not deemed necessary.

Review of the Consensus Decisions reached at the October meeting:

The Council had a lengthy discussion of how to emphasize any decisions made will affect private as well as public lands.

Consensus Decision: Place a statement between the first sentence and the list of items stating “, recognizing SMAC recommendations will have a direct impact on private as well as public lands.”

Consensus Decision: Add Wild Horse HMAs under the Special Designated Areas heading as issues to be addressed by the SMAC.

The Council approved Consensus Decisions list as amended.

Review of the Followup Items List:

- Jerry had no idea where the request for a list of water rights easements had come from, but he had not made it and asked it be removed from the list.
- Added to the follow-up items will be a request for a road inventory beginning from the Wilderness inventory with due date of March 2002, this will also show all roads that have been closed. The purpose of the road inventory is to help with the transportation plan. Stacy offered to tap into the permittees’ and landowners’ knowledge of roads to enhance the inventory map. Miles will follow-up on this.

Review of Consolidated Responses: Just for the group’s information and review.

Review of Conflict of Interest Discussion:

The members received a letter from Elaine Zelinski, BLM’s Oregon State Director, discussing this issue, but didn’t feel the letter resolved the concern. The question was raised of who participates and at what level and when do they vote or not when there is a conflict. The Council members felt it important the person most knowledgeable participate in the discussion so as much information as possible can be gathered prior to making a decision. The person with the conflict will apprise the Council of it at the outset. Members believe it must be on a case-by-case basis and is up to the member to declare whether or not there is a conflict when voting time arrives.

Miles, as the DFO, stated if he felt someone should not vote or the vote would not be considered, he would make the Council aware of that concern at the time it occurred.

Review and Approve October Minutes:

Steve Purchase requested his location be corrected to show Salem, not Portland.

Members of the group had other corrections to be made to the minutes, some of them being rather extensive. The motion was made and seconded to table approval of the minutes until tomorrow to allow the comments to be typed and members to review them.

Jerry wanted to ensure everyone understood he was willing to go with the group's wishes as far as the details of the minutes he had submitted.

Consensus Decision: Postpone approval of these minutes until 8 a.m. tomorrow and from now on members are to send their proposed corrections to Rhonda ahead of the meeting, so they can be consolidated and sent to other members prior to the meeting itself.

The Council discussed their desire to ensure they receive as much information as possible, how best to give people with different points of view a chance to present their information, and to allow sufficient time on the agenda for this purpose.

Consensus Decision: Allot time on the agenda for presentation of various viewpoints from both sides of an issue with expertise available to make those presentations.

Public Comments:

Fred Otley, a permittee, felt all Council members should vote on every issue. Because of the language in the legislation, he does not believe it should be open to discussion whether or not landowners are involved in the management plan development. He felt that this creation of a new and unique area must be looked as a positive opportunity to define a new way of doing business of seamless management. He voiced a concern about BLM's continuing to lump the CMPA in with NLCSS. Fred stated cooperative agreements are a very important part of the legislation, and wants the SMAC to make them a reality. He urged the Council to make a formal statement in the NEPA documentation concerning the impacts on private landowners. The legislation was strong on the basis of historical use being kept as a priority. Since time ran out, Fred was offered an opportunity, if time allowed in the agenda, to return and complete his remarks.

Jack Rinn, owner of Investment Commercial Real Estate, former resident of Burns, and representative of a number of ranchers in and near the Steens, suggested the Council have a public comment period on both days of the meeting. He also felt members should apprise the Council of any conflict of interest, but should still vote. Jack talked about the rights of private owners of inholding parcels and they would now be well represented as implementation progresses. One of those rights, specifically addressed in the Act is the right to "reasonable access". Without this it could be conceivable some ranchers could lose their tax status. His time was up so he will submit in writing other items (see attached).

Jack Bauer, speaking as past and current president of the snowmobile club, described it as an activity that, historically, has taken place on Steens for 20 years that he knows of and probably in actuality closer to 40 years. As this legislative process started, the group was very much in favor of it because every Oregon Congressional promised them their historical use would be protected. The group is feeling pretty disenfranchised at this point; one small statement in the legislation now precludes them from most of the areas of their historical use. The group met last year with BLM recreation planners and set up

a program agreeable to all. A program they felt should still be in place until the management plan is written. However, they believe the BLM has gone ahead and put their own program in place and would like the SMAC's help in reinstituting their historical use on public lands. Also, unless snowmobiling is allowed on the Dingle Creek area they will oppose the trade.

Howard Geiger, representing about 2,000 snowmobilers in Oregon alone as well as about 3 million within the United States, has spent a great deal of time talking about and working on issues of this sort with management teams and land managers and is looking forward to working with this group. He believes what has been established on Steens Mountain is going to be something we in Harney County as well as throughout the US can be proud of. He is greatly concerned about some of the comments from the BLM on their interpretation of the language of the Act and he does not believe those comments are based on what is really intended in the Act. He started recreating on the Steens in 1972 and has yet to find any tracks left by a snowmobile. When he talked to the Congressmen in Washington, DC, he was led to believe their interpretation was snowmobiling would continue. He felt we (BLM, SMAC and users) all needed to develop a plan that works well for all recreationists. He expressed concern with BLM treating this as a Monument. He asked the Council to remember their task and to realize the people are out there and willing to give their input and felt ½ hour in a 2-day meeting was not sufficient for public input.

With the five minutes remaining in the public comment period, Fred Otley readdressed the group. Fred was upset to find out BLM has closed this area to historical uses, like snowmobiling, which, in his opinion, should continue to occur at the same levels in the interim. He believes the BLM had no right to close the area to historical use. He wants the SMAC to readdress the issue with public input.

Council Discussion of Comment Period: The Council members discussed whether or not the 30-minute comment period was long enough, the opportunity to have a comment period on each day of the meeting to accommodate travelers, and the need to ensure public input is heard. The group was reminded there had been a way set up for additional testimony, which was through reading any written comments.

Consensus Decision: Provide a period on the second day for public comment and allow a five-minute period for written comments to be read.

It was brought up that perhaps the Council should reconsider the location for all the SMAC meetings being in Burns. Possibly a few meetings could be held elsewhere. This topic will be added to the list for tomorrow morning's discussion.

Miles stated the BLM was drafting a letter to send to the people on the RMP mailing list to let them know what is going on with the SMAC, the possible agenda items and to ascertain who would still wish to be on the list for any mailings from the SMAC.

The Council agreed if time presented itself within the agenda, Jack Rinn would be given the opportunity to finish his comments.

AMS/Subbasin Review:

Gary Foulkes told the Council the Notice of Intent to prepare the RMP and EIS was supposed to be published in the Federal Register on the 6th of this month. The area under consideration in the plan would be called “the planning area” which includes the Steens CMPA, some of Three Rivers Resource Area -- within the CMPA boundary ---, and the remainder of Andrews Resource Area outside the CMPA boundary. The part of Andrews Resource Area outside the CMPA boundary will be referred to as the Andrews Management Unit. Gary described the purpose of the preplan and how it would be used in conjunction with the Council’s comments and possible modifications. Currently the District is in the process of writing and reviewing the document called Analysis of the Management Situation/Subbasin Review, which is a description of existing resource conditions and management.

About 2 weeks prior to the SMAC’s January meeting Gary will send out copies of the AMS/Subbasin Review. Any comments on the preplan or the AMS/Subbasin Review can be incorporated into the scoping process. The BLM is drafting a flyer to be mailed out to the RMP mailing list to give public notification the process has begun to prepare the RMP, to identify when and where the scoping meetings will be held and to give the opportunity for the receiving public to identify if they wish to remain on the notification list.

Gary described the scoping process as a means to involve the public in identifying issues and alternatives. Currently the preplan states the meetings will begin on February 18, and once the places and times are decided the BLM will publish the meetings schedule in the newspapers. The meetings will be an open house style with numerous means for the public to provide comments. The contractor will be in attendance, and it is hoped cooperating agency representatives will also participate. Gary encouraged SMAC members to attend these meetings as well.

Suggestions made for places to host the meetings were Lakeview, Bend, Portland, Frenchglen, Baker/Ontario, and Eugene and anywhere else there is sufficient interest to warrant one.

Interim Management Policy (IMP):

Copies of the IMP were distributed at the last meeting with a request for comments from the Council. The document is still in draft so comments can be incorporated. One comment was that it needed more discussion for off-road and should include certain limitations, which are both conditional and site-specific. Any other comments are to be to Miles today.

Action Followup Item: Miles is to incorporate comments into the IMP and send it to members prior to next meeting.

Interim Special Recreation Permit (SRP) Handbook:

Evelyn Trieman informed the Council the intent of this handbook is to standardize how the District deals with SRPs. She requested the Council give her summarized comments concerning their recommendations on the discretionary portions of the permit process. Although the handbook is for the entire District, the Council believes it should only be commenting on what is applicable for the Steens. One of the new guidelines is a mechanism for cost recovery. Evelyn talked of the issues not yet answered such as vending permits, long-term use of a site for recreation purposes, defining what is to be permitted and how it is to be permitted, how do we deal with one day tours, how do we deal with multi-day tours, when is a letter of authorization appropriate, what constitutes a group. The Council feels it is important to address the recreation issues appropriately at this time especially since this handbook is the interim guide for the SRPs. Cindy expressed concern the Interim Special Recreation Permit Handbook would become permanent. The members decided to form a fact-finding subcommittee of volunteers Cindy Witzel, Tom Harris, Jerry Sutherland and Tom Wendel. Cindy was designated chair of the subcommittee. Any comments are to be sent to Cindy by January 7, 2002. The subcommittee will gather comments, summarize them, and review the handbook.

Action Followup Item: Cindy will work with Evelyn to incorporate comments into the SRP handbook and present at the next meeting. Prepare a list of potential education institutes as well as other entities known to use the Mountain.

Dingle Creek Land Exchange:

Tom Glass represents a company called Western Land Group, founded 20 years ago, which deals exclusively in transactions with the government. Tom gave the Council members a map showing Mr. Stroemple's property, on the north end of the CMPA. The property was purchased with the intention of building a summer home without fully realizing the effects of the legislation. Mr. Stroemple hired Mr. Glass to explore the possibilities of a land exchange. Mr. Glass will return to present the facts of it to the Council. The issues surrounding the property involve such things as recreation permit, quality and quantity of access, and a grazing permit. Part of the proposed exchange would involve land in the Deschutes Forest would require Congressional legislation to complete. Mr. Stroemple is willing to work with others to solve as many other issues as possible. Mr. Glass was encouraged to talk to the County Court to ensure they were onboard with what was happening.

Members of the Council also asked why the Council was involved in this possible trade since it is to happen after the legislation, and they are to serve an advisory role only. The discussion clarified the council will look at the land as a whole, so they can advise the agency on the best means to achieve landscape management. It is part of the Council's

job to look at the socio-economic impacts of all aspects of the management of the Mountain that includes the impacts of any land exchanges.

Mr. Glass was also put on notice that some groups are going to insist on NEPA requirements and full appraisals.

Roaring Springs Ranch Exchange:

Skip Renschler reviewed the briefing paper provided to the Council. He asked the SMAC to provide BLM with a recommendation as to the offer as well as the water access issues. Skip stated water in the South Steens Allotment is limited. The BLM received this offer on December 4, 2001, which includes a conveyance of all rights and interest of Roaring Springs Ranch on these properties. The offer also includes a reservation for the use of the existing water gap for livestock watering to the Taber Cabin parcel. The water gap is important to Roaring Springs as well as wild horses and wildlife use.

The Council discussed the concerns for water availability in the area for wild horses, wildlife and cattle, the alternatives to meet these needs and the biological and resource issues involved. The discussion included the most appropriate alternative to meet the water availability requirements, possible maintenance needs of waterholes, impacts of both or either the waterholes and water gap, affects of special designations, and the reliability of the waterholes themselves as well as possible reclamation of the waterholes. Also in the Council's consideration were the habits of the wildlife, horses and cattle, and how they move to and from water. Closing the water gap could impede migration of wild and free-roaming horses and could impact resources such as riparian, and the redband trout reserve.

It was decided to give everyone a chance to review the alternatives and to discuss them tomorrow morning.

Public Comment:

Due to some available time, the Council agreed to allow Jack Rinn to complete his presentation. His final point was the Act explicitly protects access to these properties stating reasonable access must be allowed. Had that word been left out of the legislation, only the same access allowed a regular user would have been allowed. He believes nothing less than continued unfettered access is acceptable.

December 18, 2001

Questions from Monday:

Minutes: Council members discussed proposed changes to the minutes. Those proposed by each were shown on the distributed copies of the minutes, with the exception of Jerry's. Tom Harris requested on Page 11 of the minutes the "r" be made lower case and a comma placed before it since it is a continuation of the sentence.

Consensus Decision: Minutes approved as corrected and added to, including Jerry's comments.

Roaring Springs Ranch Exchange Proposals: The Council came up with four possible alternatives

1. Keep constructed waterholes open with the water gap to be used in an emergency (This alternative would have an affect on boundaries.)
2. The water gap remain open and the waterholes rehabbed. (This alternative would have an affect on boundaries.)
3. Withdraw the land exchange
4. Leave waterholes and water gap open and monitor use, if it becomes a problem readdress it

Monitoring would be a part of all these alternatives with more emphasis placed on it in number 4.

Discussion:

Based on the discussion from yesterday, it was moved and seconded to consider Option Number 1. Part of the discussion was environmental representatives would go to the judge and talk of their support to reduce possible litigation. Support would also be given to legislation boundary adjustments by permittees and ranchers.

Consensus Decision: Postpone until after lunch any further discussion to give all interested to craft the precise language necessary.

Location of SMAC meetings: Members discussed the pros and cons of holding meetings in different locations. Some members believed the meetings should be moved around to give more people the opportunity to attend. Other members believe the meetings should remain close to the land the group is managing. The Council has tried to accommodate more means of public input through accepting written comments, adding the second public comment period, and providing time on the agenda for the presentation of various points of view. Moving the meetings also creates extensive logistical and administrative workloads.

It was moved and seconded every third meeting not be held in Burns and the choice of location can be decided by the Council or by the DFO and chairman whatever seems most expedient, which would mean three meetings a year held elsewhere.

Members were asked if anyone objected. An objection was heard.

Roll Call Vote:

- Alice, Wanda, Jason, Jerry, and Tom Wendel each voted Yes.
- Tom Harris, Harland, Hoyt, E Ron, Stacy and Cindy each voted No.

The motion failed

Discussion and Education: Cooperative Agreements and Incentives:

Stacy reviewed the different sections throughout the Act that talked of ways of using Cooperative Agreements/Incentive Payments and the funds being available through Congress. Currently there are believed to be a minimum of 48 different cooperative agreements on the Mountain. The Act provides for continuation and expansion of those. Some of the possibilities discussed were the juniper research, fire management, noxious weeds, safety (rescues etc.), water resources and volunteer projects. Congress must appropriate the money for any of these efforts, and the question was raised as to how the Council could follow up on this. One of the biggest problems for the agency has been the fact money has not been available for the Cooperative Agreements so it has taken many years to complete some projects and many others have gone begging due to no funding. The Council also discussed the possibility of other funding sources such as SYMMS, ATV, etc. Once these are proposed the group will work on the process of how to obtain the funding.

Action Followup: Miles will provide a list of cooperative agreements already in place.

Winter Recreation:

Cindy Witzel pointed out, with the testimony of the snowmobile group, everyone is now aware of the extensive issues associated with winter recreation. Prelegislation there was areas open to motorized use; however, the legislation effectively closed everything except for open roads.

Currently how the winter recreation program works is the public contacts BLM, gets a permit to go on the Mountain and are issued a key to open the locked gate. As recreators travel everyone is using the Loop Road. Where cross-country skiers break out of the juniper, they are on private land and generally don't get much higher than that. Prior to legislation, BLM parcels in the Jackman Park area and south were available to

snowmobiles; however, as a consequence of legislation and the interpretation of the Act that area is no longer open. Originally, the snowmobile club was informed use on public land not within wilderness would be allowed; however, due to current interpretation and the Act itself, effectively there are no public lands open for snowmobile use except along the Steens Loop and other roads.

Cindy identified several issues related to the winter recreation program including the special designations of the area, the topography restraints, and conflicts of users.

Last year the snowmobile club worked with the BLM to allow use areas, but now even the smallest area has been restricted. Usually a distinction is made between off-road and over snow, but wasn't in this case.

Cindy stated the private landowners are very firm in their belief that if everyone has an opportunity to recreate on public lands, then everyone could use private land but there must be opportunity on public lands. Jerry pointed out the environmental community thought some of the past use of the snowmobile club was inappropriate based on the Steens Mountain Recreation Amendment, in addition to current use being restricted by the legislation and existing regulations. Some of the Council's duty is to help the agency interpret the legislation. The members discussed the various plans currently in place and what affect they have on the winter recreation uses.

It was moved and seconded to ask a member of the snowmobile club to come forward to answer questions (Mike Choate) to be limited to only the answers to Council member's questions. Jerry objected, but specified his objection is not to whether or not a snowmobiler presents information but whether or not spending the time will make any difference since the Council does not have the authority to tell the BLM not to uphold the law.

Decision: Have Mike Choate provide information to the Council.

Mike was asked to point out the non-WSA land currently available for snowmobiling as well as three of the best play areas on the Mountain which he did on the Steens Map. The areas Mike spoke of are areas the nonmotorized public can't get to and don't use.

The Council discussed the possibilities of Lauserica road being open for snowmobiles and perhaps private land as a play area. A need was seen to allow the BLM the opportunity to properly address nonmotorized, motorized and oversnow recreation. The Council was also informed there is precedent for snowmobiles operating in a wilderness study area, as there are several places that currently allow it with minimum depths set prior to use.

A suggestion was made to have a field trip on Steens to look at the conditions the Council is discussing to help everyone understand.

Jerry did want to go on record for saying, what he has heard about the snowmobile club and the Witzels and how they have dealt with the program, they have been good stewards. His concerns do not stem from that.

It was determined a fact finding subcommittee would be appropriate due to the broad spectrum of issues on this subject. The members of the Council volunteered to work on this subcommittee: Cindy Witzel, Tom Wendel volunteered and asked to be removed from the other subcommittee that had been formed, Stacy Davies, and Tom Harris. Hoyt Wilson requested he be added to the SRP handbook subcommittee. Information expertise can be obtained from outside the committee to determine what the current situation is, and what issues are facing the recreating public and what possible solutions exist.

Action Followup: Miles will seek an opinion from the BLM solicitor on the interpretation of the Section under 112B to see what latitude is believed to be there.

Signs – Public Education:

Harland Yriarte talked of how to ensure the public is educated to the changes that have occurred and how to make them aware of the new guidelines for the Mountain. To get a better idea of the type of infractions occurring on the Mountain, a request had been made for a list of actual citations given from the period of time since the Act to get a better idea of the infractions and disposition of those infractions. The reason for the request was to determine if an increased number of citations had occurred. In reviewing the citations report, which Harland had just received, he commented the number of tickets issued appeared comparable to previous years. He said maybe a few dramatic cases were taken out of context.

Miles stated the BLM staff has worked hard to get signs on every road that has been closed, and to produce an interim map showing all the new designations and placed it at various locations (Frenchglen, Riley, office front desk). Close contact has been maintained with the newspaper to issue numerous press releases and to ODF&W to inform every one of the changes. Miles explained to the Council (although the Law Enforcement Ranger is supervised by Tom Dyer), he (the Ranger) works for the Special Agent in Charge in BLM's State Office. Miles and Tom Dyer met with the Ranger and discussed the possible ways of allowing people a sort of grace period; however, neither Miles nor Tom can tell the Ranger when to give or not give a citation. In most cases where the Ranger dealt with violations, he spent time talking with those involved to ascertain their level of awareness of the new laws, prior to determining the route to take.

One area sometimes overlooked is the denoting of road closures with signs when transitioning from private to public. To help make the public aware of the guidelines in force, it was suggested kiosks be placed on the Mountain. The Council wanted to see signing on the mountain that would best fit the surroundings as well as give as much information as possible, without creating huge intrusions to the landscape.

The local District was commended for its efforts to provide booths at strategic places in town, staffed by people knowledgeable in the areas for visitors.

Although it was not done in time for this year's handbook, Miles reported work is being done with ODFW to include information in the hunting regulations. Cindy, Harland as chair, Alice and Wanda volunteered to work on a subcommittee to gather information for signing the mountain.

DFO Update:

Smyth Kiger Herd Management: Rudy Hefter, Acting Three Rivers Field Manager reported as a result of the legislated land exchanges, BLM acquired a spring and some property within Smyth Kiger Herd Management Area. With acquiring this spring, there is an opportunity to do some restoration and rehabilitation of the area. The area has had quite a bit of impact from wild horse and cattle use. Also there is an opportunity to move some fences to realign pastures to improve resource management. Rudy reported once the ID team is established and they come up with alternatives and proposals, a formal presentation will be made to the SMAC for their consideration. Ron and Stacy requested to be involved due to their expertise in the area.

New Agenda Item:

Stacy brought up that when the legislation was passed, it had interim management guidelines to transition grazing permits to give the agency the opportunity to construct projects to keep the ranches as sustainable units. However, that portion of the legislation was taken out at the last minute. An EA was completed for the projects necessary for implementation; but the BLM is not receiving the funding to complete those projects. The members discussed the need for the money to ensure these projects are completed in order to implement the Act.

Action Followup: Miles is to provide the Council a list of the projects necessary for implementation, what has been completed and the schedule for completion of future projects.

Consensus Decision: A letter will be sent to the State Director to ensure funding for the projects, to be drafted by Stacy then sent to the committee for any comments or corrections and on to Tom Harris for signature.

Roaring Springs Ranch Exchange, Waterholes and Water Gap

The handout and what would be considered:

- I. The Steens Mountain Advisory Council believes that:
 - A. The objectives of the Steens Mountain Cooperative Management and Protection Act of 2000 (Act) include: to promote and foster cooperation, communication, and understanding; and to reduce conflict between Steens Mountain users and interests;
 - B. The Roaring Springs land exchange in the Act was based in part on the availability of water in four constructed water holes;
 - C. Water is not available in those holes;
 - D. The least ecological impact on fish, wildlife, and riparian resources will occur by continuing livestock access to the water gap, through well-managed grazing; and
 - E. Wild horses on Steens are a highly visible resource to the public. To leave water holes intact and a minimal water gap would not only ease the management of livestock, but also wild horses. Plentiful water supply provides for better disbursement for livestock, wildlife, and wild horses.
- II. Therefore, the Steens Mountain Advisory Council recommends to the Bureau of Land Management that:
 - A. The Roaring Spring Ranch's reservation of an easement to use and maintain the existing water gap on the Donner und Blitzen River in the Tabor Cabin area for livestock, wild horses and wildlife watering purposes be accepted;
 - B. Future Steens Mountain legislation will reflect this continued historic use through an adjustment to the wilderness no livestock grazing boundary;
 - C. The Bureau of Land Management and the Steens Mountain Advisory Council will request that relief from the current judicial opinion of the Wild and Scenic Rivers Act be granted;
 - D.
 - 1. The Tabor Cabin water gap be maintained in its historic form and the four upland reservoirs be removed.
 - 2. The four upland reservoirs be utilized as the primary water source for the area. The Tabor Cabin water gap will be closed by a gated fence and used on an emergency basis only.
 - 3. The four upland reservoirs and Tabor Cabin water gap remain open to livestock, wild horses and wildlife.

The group requested the word "reliably" be added before the word "available" under Section I.C.

Point of order, there is a motion on the floor. The motion is for Option D.3. (on the above listing).

Members discussed the reasons they supported or didn't support this particular alternative. The discussion included the redband trout reserve, impacts to various resources, constraints on wild and free-roaming horses, maintenance of the waterholes, impacts to WSA and possible areas of rehabilitation.

Call for question, and the Council was asked if there were any objections, there were at least two. A roll call vote was taken

- Wanda, Jerry, Alice, Tom Wendel, and Jason each voted No.
- Hoyt, E. Ron, Cindy, Tom Harris and Harland each voted Yes.
- Stacy declared a conflict of interest and did not vote.
- Steve Purchase is a non voting member

Because the motion did not receive the required nine votes, it was defeated.

It was moved and seconded to put the same motion on the table but with D.1. being the choice.

The Council members discussed their perceived pros and cons of this particular alternative, relating to redband trout reserve, economic benefits, riparian management, wild and free-roaming horses, disbursement of livestock.

Question was called for on D.1. An objection was heard.

Roll call vote was taken.

- Wanda, Tom Harris, Harland, and Cindy each voted No.
- Jerry, Alice, Hoyt, Tom Wendel, E Ron, and Jason each voted Yes.
- Stacy declared a conflict of interest and did not vote

The motion is defeated.

It was moved and seconded to consider Option D.2.

The Council discussed the merits of this alternative, the disbursement of animals, the availability of the water, and impacts to the land from the various watering sites.

Question was called, and objection was heard.

Roll call vote was taken.

- Wanda, Jerry, Alice, Tom Wendel, E Ron, Jason each voted No.
- Hoyt, Cindy, Tom Harris, and Harland each voted Yes.
- Stacy declared a conflict and did not vote.

The motion failed.

It was moved and seconded to reconsider Option D.1.

Wanda asked if there were any other options the group could examine.

Question was called.

Consensus Decision: Unanimous recommendation to implement Option D.1.

DFO Update:

Mary Emerick presented information on wilderness stating it is not her intent to stop people from access but to only have minimal impacts so uses can continue within the sideboards established by the laws. BLM will be looking for cooperative solutions that are legally defensible and that have the least impact on wilderness values. There is a lot of interest in what is being done within the boundaries of the CMPA especially about under what authorization the motorized use is occurring. States have addressed the issue of motorized access in a variety of ways. Mary explained there is a list of criteria for the use of motorized vehicles and the need to complete an EA. Two EAs will be written, one for ranchers and the other for private inholders. BLM is now following procedures established by BLM in other states to deal with wilderness access issues in such a way courts would uphold challenges in their decisions.

Skip briefed the council on the 2920 regulations on inholdings. Under 2920 there are three general classes of permits that could be used for access to wilderness and a fair market rent required. Skip suggested using the existing fee schedule, the right-of-way fee schedule, which essentially is based on acreage encumbered. Skip wants to make things as easy as possible for inholders to determine the best route, least impact to wilderness and to help them to get the proper authorizations completed. The Council pointed out many of the roads have been allowed to deteriorate and asked what would be done to prevent further deterioration. Skip said under wilderness, preventive measures are allowable although upgrading is not. The timeline to complete necessary paperwork, etc., is six months prior to the time access to wilderness is needed.

Wilderness Management Plan: Mary suggested a speaker from the University of Montana give the Council a presentation on limits of acceptable change to improve their understanding of the requirements.

Facilitator Hiring:

Dale left the room to allow the Council freedom in their discussion. The members agreed a facilitator helps with the flow of the meeting and it was moved and seconded to offer it to Dale White.

Consensus Decision: Hire Dale White as facilitator.

Agenda items for January:

Great deal of value having action items created at each meeting

- Subcommittee reports on the information they have collected
- Educational items such as the ones presented this morning
- Special Recreation Permit handbook
- Special Recreation Permits
- Redband Trout Reserve presentation – Educational/Informational
- Need to give an update of where if letter goes out on funding where it ended up
- Update as to where at the Roaring Springs land exchange.
- Stonehouse AMP/EA update
- Room on day two agenda for second public comment period
- Wildland Juniper Management Area–Jeff Rose Educational/Informational

All handouts are to be sent out prior to the next meeting in order to give Council members the opportunity to read and review them. The handouts should include who is sending them and the date, and subject for which they are sent.

February Agenda Item: Steve McCool presentation on Limits of Acceptable Change – Educational/Informational

Tom Glass may need to return to address the group

Jerry requested a list of acronyms and their definitions. One is provided in the AMS document itself.

Certified by:

Tom Harris, Chair Steens Mountain Advisory Council

Date